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E-Filing

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December 14, 2005

VIA ELECTRONIC FILING

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: *New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway – Petition for an Exemption from 49 U.S.C. § 10901 to Acquire, Construct and Operate as a Rail Carrier on Tracks and Land in Wilmington and Woburn, Massachusetts, Finance Docket No. 34797*

Dear Secretary Williams:

On December 5, 2005, New England Transrail, LLC (NET) filed a Petition for an Exemption from 49 U.S.C. § 10901 to Acquire, Construct and Operate as a Rail Carrier on Tracks and Land in Wilmington and Woburn, Massachusetts. NET's previous filing (STB Docket No. 34391) on the identical issue engendered significant, widespread interest on issues of national concern. In light of the timing of NET's filing in the midst of the holiday season, the National Solid Wastes Management Association (NSWMA) requests in the enclosed Motion that the Surface Transportation Board issue a Scheduling Order extending the period for response to NET's December 5 filing by 30 days to January 26, 2006.

NSWMA understands that the Town of Wilmington, Massachusetts and the Massachusetts Department of Environmental Protection will be filing similar requests and that the Honorable James R. Miceli, Chairman of the Massachusetts House of Representatives, has already made a request for an extension.

BEVERIDGE & DIAMOND_{PC}

Honorable Vernon A. Williams, Secretary

December 14, 2005

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NSWMA requests that you act as soon as possible on these requests for an extension.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen M. Richmond", with a stylized, looped flourish at the end.

Stephen M. Richmond

SMR:mjg

Attachment

Beveridge & Diamond, P.C.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34797

**MOTION OF NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION
TO EXTEND TIME TO RESPOND TO
NEW ENGLAND TRANSRAIL, LLC'S PETITION FOR EXEMPTION
FROM 49 U.S.C. § 10901**

Counsel for National Solid Wastes Management Association
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December 14, 2005

Beveridge & Diamond, P.C.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34797

**MOTION OF NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION
TO EXTEND TIME TO RESPOND TO
NEW ENGLAND TRANSRAIL, LLC'S PETITION FOR EXEMPTION
FROM 49 U.S.C. § 10901**

Pursuant to 49 CFR § 1104.7, the National Solid Wastes Management Association (NSWMA) respectfully requests the Surface Transportation Board (the "Board") enter a Scheduling Order extending by 30 days the date within which to respond to New England Transrail, LLC's Petition for an Exemption from 49 U.S.C. § 10901 to Acquire, Construct and Operate as a Rail Carrier on Tracks and Land in Wilmington and Woburn, Massachusetts filed December 5, 2005. NET's filing comes in the heart of the holiday season, with responses due under the STB's normal timeframe on December 27, the first business day after Christmas weekend and in the middle of the Chanukah holiday. Such a schedule presents a considerable hardship given the holiday season, with school and family vacations and religious observances already planned for many of those interested in participating in this proceeding.

NET's previous exemption request (STB Finance Docket No. 34391) on the identical issue generated enormous interest on an issue of national importance. Numerous parties, both public and private, participated in the previous docket and similar interest is expected in this Petition. Requiring comments and responses by December 27 will unreasonably restrict the ability of interested parties to participate by requiring parties to choose between taking planned vacations and observing the holidays with family and filing comments on a critically important issue.

One must wonder about NET's design in filing the Petition for Exemption at this particular time, given that it has had since May 3, 2005, when the Board dismissed NET's prior petition, to plan for the filing of a new petition. It is clearly in NET's best interest to limit comment and participation by the many parties previously expressing an interest in this matter. Notwithstanding NET's dubious request for expedited treatment, all parties should be given the time to completely and appropriately respond to NET's request for an exemption.

NSWMA has attempted to reach accommodation with NET on this request, but NET would only agree to an extension until January 6. This offer is insubstantial and hardly relieves the unfair burden placed on the parties wishing to comment, as it forces all interested parties to work through the Christmas, Chanukah and New Year's holidays – a burden seemingly manufactured by NET's choice of filing date.

NSWMA understands that both the Town of Wilmington, Massachusetts and the Massachusetts Department of Environmental Protection will be making similar requests for at least 30 day extensions, and that the Honorable James R. Miceli, Chairman of the Massachusetts House of Representatives, has already made such a request.

WHEREFORE, NSWMA requests that the Board enter a Scheduling Order extending the date to respond to NET's Petition to January 26, 2006.

DATED: Wellesley, Massachusetts
December 14, 2005

NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION

By its Attorneys,

BEVERIDGE & DIAMOND, P.C.

By: 

Stephen M. Richmond, Esq.

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David Biderman, Esq., General Counsel

NATIONAL SOLID WASTES

MANAGEMENT ASSOCIATION

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CERTIFICATE OF SERVICE

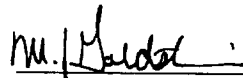
I hereby certify that on this 14th day of December, 2005, I served the foregoing Motion of National Solid Wastes Management Association to Extend Time to Respond to New England Transrail's Petition for Exemption from 49 U.S.C. § 10901 by causing a copy to be delivered by first class mail, postage prepaid, to:

J. Patrick Berry, Esq.
Baker Botts LLP
1299 Pennsylvania Avenue, NW
Washington, DC 20004

Hon. James R. Miceli
Chairman, Massachusetts House of
Representatives
Commonwealth Of Massachusetts
Room 167, State House
Boston, MA 02133-1054

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Marc J. Goldstein

Formal Filing

Docket #:

☒ FD

-34797

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Filed For: *	National Solid Wastes Management Association
Filed By: *	Stephen M. Richmond
(person who signed doc.)	
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Confidential Attachments:

Public Attachments:  - Public_STB E-File Mtn to Extend.pdf